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In re Application of POPPE et al

U.S. Application No.: 10/525,268

PCT Application No.: PCT/EP03/10922

Int. Filing Date: 02 October 2003

Priority Date Claimed: 10 October 2002

Attorney Docket No.: PAT-10150

For: NANOPARTICLES, METHOD FOR
MODIFYING THEIR SURFACES,
DISPERSION OF NANOPARTICLES,
METHOD FOR THE PRODUCTION AND
THE UTILIZATION THEREOF

DECISION

This is in response to applicant's "Petition to Revive an Unintentionally Abandoned Application" filed 23 August 2005, which is being treated under 37 CFR 1.137(b).

BACKGROUND

On 02 October 2003, applicant filed international application PCT/EP03/10922, which claimed priority of an earlier Germany application filed 10 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 29 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 10 April 2005.

On 22 February 2005, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/EP03/10922 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 August 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 02 October 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 August 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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